

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff

v.

KOELSCH SENIOR COMMUNITIES,
LLC,

Defendant

CIVIL ACTION NO. 3:18-cv-05792

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, female, and to provide appropriate relief to Rebecca Flores, who was adversely affected by such practices and to prevent further occurrence of such practices. The Equal Employment Opportunity Commission ("EEOC" or "the Commission") alleges that defendant Koelsch Senior Communities, LLC ("Koelsch" or "Defendant") violated Title VII by subjecting Ms. Flores to a hostile work environment because of sex, female.

JURISDICTION AND VENUE

1
2 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,
3 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of
4 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. section 2000e *et seq.* ("Title
5 VII") and section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.
6

7 2. The employment practices alleged to be unlawful were committed within the
8 jurisdiction of the United States District Court for the Western District of Washington.
9

PARTIES

10
11 3. Plaintiff, the Equal Employment Opportunity Commission, is the agency of the
12 United States of America charged with the administration, interpretation and enforcement of
13 Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title
14 VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).
15

16 4. At all relevant times, Defendant has continuously been doing business in the State
17 of Washington and has continuously had at least 15 employees.
18

19 5. At all relevant times, Defendant has continuously been an employer engaged in an
20 industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII, 42
21 U.S.C. §§ 2000e(b), (g), and (h) employer engaged in an industry affecting commerce within the
22 meaning of Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).
23

ADMINISTRATIVE PROCEDURES

24 6. More than thirty days prior to the institution of this lawsuit, Rebecca Flores filed a
25 charge of discrimination with the EEOC alleging violations of Title VII by Defendant.

11. All conditions precedent to the institution of this lawsuit have been fulfilled.

a. Koelsch's Activities Director engaged in unwelcome conduct of a sexual nature including but not limited to: seeking foot massages from Ms. Flores; requesting that Ms. Flores "get on all fours" for a wrestling demonstration; placing Ms. Flores in a choke hold; discussing intimate details about her marriage with Ms. Flores, including dating and sexual practices; and telling Ms. Flores she wanted to "rub her butt."

1 b. Ms. Flores complained to Koelsch upper management in late September
2 2015 about the Activities Director's sexually harassing conduct, but
3 Defendant failed to take prompt action to correct the discriminatory
4 conduct or prevent it from recurring. Instead, Koelsch told Ms. Flores that
5 the Activities Director would remain employed and that Koelsch would
6 "sure hate to lose" Ms. Flores, which she understood to be a warning not
7 to complain further.

8 c. The Activities Director continued to subject Ms. Flores to a hostile work
9 environment because of sex following Ms. Flores's late September 2015
10 complaint, including but not limited to: rubbing Ms. Flores's breast on the
11 pretense of cleaning her blouse; joking about "butts"; and commenting
12 that Ms. Flores could be a "pole dancer."

13 d. On or about January 18, 2016, Ms. Flores complained about the Activities
14 Director's ongoing, sexually harassing conduct. Again, Defendant failed
15 to take prompt action to correct the discriminatory conduct or prevent it
16 from recurring, leading Ms. Flores to feel intimidated and fearful of
17 complaining further.

18 e. Ms. Flores resigned on or about January 18, 2016.

19
20
21 13. The effect of the practices complained of in paragraph 12 above has been to
22 deprive Ms. Flores of equal employment opportunities and otherwise adversely affect her status
23 as an employee because her sex, female.

24 14. The unlawful employment practices complained of in paragraph 12 above were
25 intentional.

1 15. The unlawful employment practices complained of in paragraph 12 above were
2 done with malice or with reckless indifference to the federally protected rights of Ms. Flores.

3
4 PRAYER FOR RELIEF

5 Wherefore, the Commission respectfully requests that this Court:

6 A. Grant a permanent injunction enjoining Defendant and its officers, agents,
7 successors, assigns, and all persons in active concert or participation with them, from failing to
8 provide equal employment opportunities to employees because of their sex, female, and
9 engaging in any employment practice that discriminates on the basis of sex, female.

10 B. Order Defendant to institute and carry out policies, practices, and programs which
11 prevent its employees from being subjected to discrimination because of their sex, female, and
12 which eradicate the effects of past and present unlawful employment practices.

13 C. Order Defendant to make whole Ms. Flores by providing compensation for past
14 and future pecuniary losses resulting from the unlawful employment practices described above,
15 including without limitation past and future out-of-pocket expenses, in amounts to be determined
16 at trial.

17 D. Order Defendant to make whole Ms. Flores by providing compensation for past
18 and future non-pecuniary losses resulting from the unlawful practices complained of above,
19 including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts
20 to be determined at trial.

21 E. Order Defendant to pay Ms. Flores punitive damages for its malicious and
22 reckless conduct described above, in amounts to be determined at trial.

23 F. Grant such further relief as the Court deems necessary and proper in the public
24 interest.
25

G. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 28 day of September, 2018.

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